

USDC- GREENBELT  
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EMERGENCY MOTION

HD

July 29, 2024

Rcv'd by: 

THE HONORABLE PAULA XINIS  
UNITED STATES DISTRICT JUDGE  
UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND  
6500 CHERRYWOOD LANE  
GREENBELT, MD 20770

*Re: United States v. Kamlesh Chauhan, Docket No. 8:18-CR-214 (PX)*

Dear Judge, Xinis:

Defendant, appearing pro se, respectfully submits this emergency motion seeking an order of the ruling on the **Writ of Error Corum Nobis (ECF 74, Filed 12/27/23)** or staying further execution of the Judgement and Commitment Order entered March 14, 2019, in the above captioned case. For the reasons set forth hereinafter, this application should be promptly granted.

On March 14, 2019, a judgment was filed in the above referenced case imposing a 10-month term of imprisonment, a one-year period of supervised release, and a special assessment fee of \$5,100. By motion dated November 25, 2019. Defendant moved to vacate the judgment of conviction and sentence on the grounds that the guilty plea violating 18 U.S.C 2244(b) had been induced by fraud, and the defendant is "actually innocent" of engaging any conduct that violated 18 U.S.C 2244(b). The motion is supported by a statement of facts made under penalty

of perjury, and documentary evidence including photos and the alleged victim, and the conspirators engaged in fraudulent activity that completely debunks any allegation of wrongful conduct on Defendant's part. The motion has long since been ripe for adjudication. It bears noting that this Court has inherent authority to stay the execution of a judgment of conviction when there is a habeas petition pending. See, e.g., *United States v. Eliely*, 276 F. App'x 270 (4th Cir. 2008) (discussing a federal district court's authority to release a defendant on bail pending the final disposition of a Section 2255 motion). Thus, the Court is not without authority to grant this request.

This court has access to the overwhelming evidence to prosecute all the conspirators including USDA-OIG investigators and US Attorney Mr. Robert K. Hurr, who additionally committed fraud on court (ECF 76, Sealed document #1 -2) to cover up criminal conspiracy framing this innocent defendant. So far, the court has taken no action and instead allowed the fraudulent conviction. Moreover, a decision not to expedite the ruling or to stay further execution of the judgment will render the writ of habeas corpus meaningless.

WHEREFORE, for the reasons stated, the Court should issue an immediate ruling or stay on further execution of the judgment pending the final disposition of Defendant's Writ of error coram nobis (ECF# 74), in the interest of justice and to prevent a complete miscarriage of justice.

Respectfully submitted,



/s/ Kamlesh Chauhan